

# **KENTUCKY DEPARTMENT OF EDUCATION**

## **STAFF NOTE**

### **Review Item:**

702 KAR 5:010, Pupil transportation: technical assistance and monitoring

### **Applicable Statute or Regulation:**

KRS 156.160; 157.370, 189.540

### **History/Background:**

***Existing Policy.*** Pursuant to the above statutes, the Kentucky Board of Education promulgated this regulation to establish guidelines and procedures whereby the Kentucky Department of Education may offer direct assistance to school districts in the areas of transportation services to pupils, school bus safety, and economy of transportation operation.

In reviewing the regulations that govern pupil transportation services, it was discovered that 702 KAR 5:010, Section 3, was misleading in stating that all vehicles used for the transportation of pupils meet the minimum safety standards for Kentucky school buses when two other regulations (702 KAR 5:130, Sections 1 and 2, and 702 KAR 5:060, Section 6 (2)), provide guidelines for vehicles that do not meet the minimum safety standards for Kentucky school buses. The first set of vehicles that do not meet minimum safety standards but are allowed to be used by school districts are those vehicles designed to carry less than ten passengers. While not required to meet the same rigorous safety standards applicable to larger school buses, their use is allowed in limited circumstances where a larger bus may not be appropriate. The second set of vehicles that may not meet school bus safety requirements are vehicles owned and operated by a common carrier, such as charter buses that may appropriately be rented by school districts to take students on trips.

The changes in the regulation are designed to resolve the inadvertent conflict in the regulatory language. The language from other regulations that allow these exceptions is outlined below:

#### **702 KAR 5:130, Sections 1 and 2**

“Section 1. Definition. "Vehicle" means a vehicle owned by a school board or contracted to the board which is significantly used to transport pupils to and from school and which is designed by the manufacturer to carry fewer than ten (10) passengers.

Section 2. (1) A vehicle may be used for the transportation of pupils:

(a) From areas not accessible by a regular school bus to the nearest road available for the safe transfer of pupils to a regular school bus or vice versa;

- (b) For emergency transportation of students;
- (c) For approved school activities; or
- (d) For qualified special needs pupils.”

702 KAR 5:060, Section 6 (2)

“School districts may, in their reasonable discretion and with due regard to the safety and required supervision of the school children to be transported, utilize appropriately certificated common carriers, in regular or charter service, to transport school children to or from school-related events, as long as the vehicles so utilized are not significantly used as school buses. Such use of common carrier service, in lieu of qualifying school buses, shall be on a case-by-case basis, and the reasons believed by the board to justify such use shall be cited in the board minutes.”

Because of the conflict between these regulations and the language in 702 KAR 5:010, staff is proposing that 702 KAR 5:010 be amended to recognize the exceptions for vehicles allowed in 702 KAR 5:130 and 702 KAR 5:060 that provide flexibility for local school districts in situations where the use of another vehicle as an alternative to a larger school bus may be more appropriate.

**Policy Issue(s):**

The attached regulation would be amended as follows:

**Page 2, line 8** – after the word "year," add "except as provided in 702 KAR 5:130, Sections 1 and 2 and 702 KAR 5:060, Section 6(2)."

**Groups Consulted and Brief Summary of Responses:**

Local Superintendents Advisory Council (LSAC)

The Board will receive LSAC’s input on this regulation via a letter from that body prior to the June meeting.

**Impact on Getting to Proficiency:**

Safe Transportation is essential to the effective operation of schools.

**Contact Person:**

Kyna Koch, Associate Commissioner  
Office of District Support Services  
502-564-3930  
[Kyna.Koch@education.ky.gov](mailto:Kyna.Koch@education.ky.gov)

---

**Deputy Commissioner**

---

**Commissioner of Education**

**Date:**

June 2006